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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/732,503

12/07/2000

Jiebo Luo

81594MSS

9518

7590

07/16/2004

Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

EXAMINER

BAKER, CHARLOTTE M

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 07/16/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/732,503

Applicant(s)

LUO ET AL.

Examiner

Charlotte M Baker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 12/07/00 is being considered by the examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo (5,978,100) in view of Ueda (6,714,314). Kinjo teaches conversion into a digital image (column 8, lines 50-67 and column 9, lines 1-13), which reads on “producing a digital image of a customer’s photographic image”. Kinjo teaches the extraction of a main portion of a film image (column 10, lines 23-26), which reads on “producing a main subject belief map from the digital image”. Kinjo teaches the use of the extraction of a main portion to display the resultant image (column 10, lines 23-47), which reads on “employing the main subject belief map to produce a modified digital image”. Kinjo teaches the ability to send the digital image to a printer (column 11, lines 51-58), which reads on “producing a print of the digital image”. Kinjo teaches the printing of an image following modifications (column 11, lines 30-35), which reads on “producing a print of the modified digital image”. Kinjo fails to address “delivering both prints to the customer”. Ueda teaches providing both the original and the modified print (column 9, lines 44-48), which reads on “delivering both prints to the customer”. It would have been obvious to a person skilled

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in the art at the time of the invention to modify Kinjo to include Ueda to provide the customer a print of the digital image, and a print of the modified digital image to preserve the digital image in the event that further modifications are desired at a later date.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo in view of Ueda and further in view of Luo et al. (6,654,506). Kinjo in view of Ueda teaches all the limitations of claim 1. Kinjo in view of Ueda fail to specifically address zoom and crop functions. Luo et al. teaches the idea of zooming and cropping of photographic images (column 6, lines 41-50), which reads on “includes zoom and crop steps that maintain a main subject within a resulting cropped image”. It would have been obvious for a person skilled in the art at the time of the invention to modify Kinjo in view of Ueda and further in view of Luo et al. to include zooming and cropping functions to provide the customer with the ability to further emphasize the main subject of the digital image.

5. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo in view of Ueda and further in view of Ikenoue et al. (6,038,011).

Regarding Claim 3: Kinjo in view of Ueda teaches all the limitations of claim 1. Kinjo in view of Ueda fail to specifically address “a subject emphasizing step”. Ikenoue et al. teaches the idea of subject emphasis (column 11, lines 63-67 and column 4, line 1), which reads on “includes a subject emphasizing step”. It would have been obvious for a person skilled in the art at the time of the invention to modify Kinjo in view of Ueda and in further view of Ikenoue et al. to include the suggestion of subject emphasis in the production of a modified image to allow the customer to call attention to the main subject of the digital image.

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Regarding Claim 6: Kinjo in view of Ueda and further in view of Ikenoue et al. teaches all the limitations of claim 3. Ueda further teaches the selection of sharpening levels (column 24, lines 8-24), which reads on “altering the background with reduced sharpness”. It would have been obvious for a person skilled in the art at the time of the invention to modify Kinjo in view of Ueda and further in view of Ikenoue et al. to include the suggestion of the adjustment of sharpness level to bring more focus on the main subject of the image.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo in view of Ueda and further in view of Ikenoue et al. and further in view of Feldman (5,333,549). Kinjo in view of Ueda and further in view of Ikenoue et al. teaches all the limitations of claim 3. Kinjo in view of Ueda and further in view of Ikenoue et al. fail to specifically address “maintaining the main subject in color and the background in black and white”. Feldman teaches a prominent image in color with a black and white background (column 8, lines 25-28), which reads on “maintaining the main subject in color and the background in black and white”. It would have been obvious to a person skilled in the art at the time of the invention to modify Kinjo in view of Ueda and further in view of Ikenoue et al. and further in view of Feldman to provide the customer the option of a digital print with a black and white background and a color subject to accentuate the main subject.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo in view of Ueda and further in view of Ikenoue et al. and further in view of Edgar (5,611,027). Kinjo in view of Ueda and further in view of Ikenoue et al. teaches all the limitations of claim 3. Kinjo in view of Ueda and further in view of Ikenoue et al. fail to specifically address “altering the background by reduced brightness to produce a spotlight effect on the main subject”. Edgar

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teaches the spotlight effect (column 4, lines 31-35), which reads on “step of altering the background by reduced brightness to produce a spotlight effect on the main subject”. It would have been obvious for a person skilled in the art at the time of the invention to modify Kinjo in view of Ueda and further in view of Ikenoue et al. and further in view of Edgar to include the suggestion of the spotlight effect to further stress the main subject of the image.

8. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo (5,978,100) in view of Ueda and further in view of McConnell et al. (6,057,931).

Regarding Claim 7 : Kinjo in view of Ueda teaches all the limitations of claim 1. Kinjo in view of Ueda fail to specifically address pixel alteration relating to the main subject. McConnell et al. teaches user selection of pixels in a digital image to be modified (column 4, lines 20-22), which reads on “the step of altering pixel values that are part of the main subject”. It would have been obvious to a person skilled in the art to modify Kinjo in view of Ueda to include McConnell et al. to provide pixel value alteration of the main subject of the digital image. The pixel alteration of the main subject would allow the customer to correct color imperfections in the digital image to yield a more appealing end product.

Regarding Claim 8: Kinjo in view of Ueda teaches all the limitations of claim 1. Kinjo in view of Ueda fail to specifically address pixel alteration relating to the background. McConnell et al. teaches user selection of pixels in a digital image to be modified (column 4, lines 20-22), which reads on “altering pixel values that are a part of the background”. It would have been obvious to a person skilled in the art at the time of the invention to modify Kinjo in view of Ueda to include McConnell et al. to provide pixel value alteration of the background of the digital image. The

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pixel alteration of the background would allow the customer to correct color imperfections in the digital image to yield a more appealing end product.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M Baker whose telephone number is (703) 306-3456. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MARK WALLER
PRIMARY EXAMINER